

is necessary. Apart from the restriction requirement, there has been no substantive examination of the claims.

In the claims:

Please cancel claim 5.

Replace original claims 3 and 4 with amended claims 3 and 4 as follows:

3. (Amended) A melt-blown microfiber web prepared according to the process of claim 1 or 2.

A1 4. (Amended) A material comprising the melt-blown microfiber web of claim 3, wherein the material is selected from the group consisting of an oil absorber, a filter material and an insulation material.

REMARKS

I. Amendments

Applicants take this opportunity to amend the referenced application by canceling claim 5. Therefore, upon entry of the amendments, only claims 1-4 are pending.

II. Election/Restriction

The referenced application is a §371 of PCT/EP00/05760, filed June 21, 2000. A restriction requirement under 35 U.S.C. §121 was issued in the subject application. It is alleged that the subject application contains the following inventions or groups of inventions which are independent and patentably distinct:

Group I, claims 1 and 2, drawn to processes of producing microfiber webs; and

Group II, claim 3, drawn to microfiber webs.

Claims 4 and 5 are alleged to be non-statutory and too indefinite too classify.

For examination purposes, Applicants elect the invention of Group I with traverse.

III. Traversal of Restriction Requirement

Applicants respectfully traverse the restriction requirement. For the following reasons, withdrawal of the restriction is requested.

The Examiner alleges that restriction is proper under 35 U.S.C. §121 on the basis that the inventions of Groups I and II are distinct. However, the referenced application is the U.S. national stage application of international application PCT/EP00/05760. Accordingly, the PCT requirement of unity of invention applies rather than the “independent and distinct” standard set forth in 35 U.S.C. §121. Applicants respectfully submit, therefore, that the Examiner has mistakenly applied the standards of 35 U.S.C. §121 to the subject national stage application.

Rule 13.2 of the PCT regulations provides that the requirement of unity of invention is fulfilled when the groups of inventions share a special technical feature distinguishing the claimed invention over the prior art. In the subject national stage application, the pending claims share the special technical feature of a process for meltblown microfiber webs comprising at least one cycloolefin polymer (**claims 1 and 2**), the thus prepared meltblown microfiber webs (**claim 3**) and uses of the meltblown microfiber webs (**claim 4**). Therefore, the claims share the special technical feature relating to “meltspun fibers comprising at least one cycloolefin polymer”. As such, the requirement of unity of invention is fulfilled.

Applicants further rely on 37 C.F.R. § 1.475(b)(3), where it is stated that a national stage application containing claims drawn to different categories of invention will be considered to

have unity of invention if the claims are drawn to a product (**claim 3**), a process specially adapted for the manufacture of said product (**claims 1 and 2**) and a use of said product (**claim 4**).

Furthermore, Applicants submit that a thorough search for the invention of Group I would necessarily include a search of the invention of Group II. Therefore, economy of resources and fairness dictate that the Examiner rejoin and examine claims 1-4 in the same application.

Accordingly, the restriction requirement under 35 U.S.C. § 121 is improper and should be withdrawn.

CONCLUSION

It is submitted that Applicants have completely responded to the restriction requirement. Upon entry of the amendment, claims 1-4 are pending. Applicants submit that the application is in condition for allowance, which action is earnestly solicited.

The Assistant Commissioner is authorized to charge any fee which may be due in connection with this communication to Deposit Account 23-1703.

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Respectfully submitted,

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MARK-UP SHOWING INSERTIONS AND DELETIONS:

3. (Amended) A melt-blown microfiber [Microfiber] web prepared according to [obtainable by]
the process of claim 1 or 2.

4. (Amended) A material comprising the melt-blown [Use of] microfiber web of claim 3,
wherein the material is selected from the group consisting of [as] an oil absorber, [as] a filter
material and [or as] an insulation material.